

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Walter Müller
Serial No. : 10/163,752 Confirmation No. : 2091
Filing Date : June 6, 2002

REMARKS

In the Office Action mailed August 5, 2003, the Examiner states that applicant's reply filed on 6/24/03 is not fully responsive to the prior Office Action because the newly submitted claims 23-32 are directed to an invention that is independent or distinct from the invention originally claimed because the new claims are directed to a method for storing medical swabs and this is classified in class 53.

Applicant herein cancels claims 23-32 and submits new claims 33-37. New claim 33 is based on original claims 16, 20 and 21. New claim 34 is based on original claim 17. New claim 35 is based on original claims 18, 20 and 21. New claim 36 is based on original claim 19, and new claim 37 is based on original claims 20, 21 and 22. No new matter has been added.

Claim Rejections - 35 USC §102

In the Office Action mailed March 24, 2003, the Examiner rejected claims 16, 18 and 22 under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Roulin et al., U.S. Patent 5,695,063. Claims 16, 18 and 22 have been canceled.

The Examiner rejects claims 16-19 and 22 under 35 U.S.C. 102(b) as being anticipated by Official Notice or Gas-X. The Examiner states that Gas-X is a drug sold by Novartis since the 1980s for treating pressure and bloating and that the Gas-X packaging is generally a blister package made out of flexible plastic layer and a flexible foil layer. Claims 16-19 and 22 have been canceled.

Claim Rejections - 35 USC §103

The Examiner has rejected claims 17 and 19 under 35 U.S.C. 103(a) as being unpatentable over Roulin et al. in view of Troll et al. or Gregory et al. The Examiner further rejects claims 20-21

under 35 U.S.C. 103(a) as being unpatentable over the references applied above with respect to claim 18, further in view of Hasegawa et al. substituting for Official Notice. Applicant respectfully traverses this rejection. Hasegawa et al. was filed November 23, 1998 while applicant's application is based on an international patent application that was filed October 10, 1997 and published June 4, 1998 as WO 98/23238. Thus, Hasegawa et al. was filed after applicant's application had been published and Hasegawa cannot be cited against applicant.

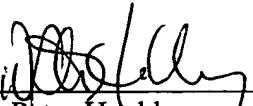
Further, applicant respectfully states that it would not have been obvious to the skilled artisan to provide a blister pack according to Roulin et al. with a sterilization paper instead of the foil, because Roulin et al. only disclosed pushing tablets outwards through the lid foil. The skilled artisan would infer from this disclosure the use of a material for forming the cover layer that provides a rigidity which is higher than the necessary minimal rigidity in order to avoid the crushing or crumbling of the tablet. Therefore, the skilled artisan would rely on lid foils rather than using a sterilization paper for a blister pack according to Roulin et al. because a sterilization paper appears to be less rigid than a foil for blister packs for tablets.

None of the cited references teaches or indicates to provide a storage device in the form of a blister pack wherein the lid foil has to be torn inwards. Still, there is no suggestion to use a blister pack comprising a sterilization paper for the package of soft items such as medical swabs. Furthermore, neither Roulin et al., nor Hawegawa et al., provide any hint towards a flexibility of the storage device such that it may be kept in stock rolled up or concertinaed. Applicant respectfully submits that "being sufficiently flexible such that the storage device can be kept in stock rolled up or concertinaed" as claimed in claims 33-37 is patently distinct from merely being flexible and disagrees with the Examiner's statement that "if the package is flexible, it can be kept in a stocked roll up configuration."

It is respectfully submitted that the application is now in condition for allowance, and such action is requested. No new matter has been added. The examiner is invited to telephone the undersigned if there are any matters which could be discussed to expedite the prosecution of the

above-identified application.

Respectfully submitted,

By: 

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